

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

September 26, 2006 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

AGENDA ADOPTION:

-
1. Public Comments
 2. Minutes of August 8, 2006

SPECIAL PLANNING COMMISSION MEETING 8 AUGUST 2006 MINUTES

CALL TO ORDER - Chairman Rosenberger called the meeting to order at 7:00 pm.

INVOCATION - Mr. Daisey led the invocation followed by the Pledge of Allegiance.

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Ellen Richardson
Mr. Tom Derrickson
Mr. Ray Daisey
Mr. Bob Behr

Members Absent:

Mrs. Jane Wolffe
Mrs. Mollie Cherrix

Mr. Kenny L. Lewis, Staff Support
Mr. Robert G. Ritter, Jr., Town Manager

1. AGENDA ADOPTION

Mrs. Richardson motioned, seconded by Mr. Daisey, to adopt the agenda as presented. The motion was unanimously approved.

Mr. Daisey recommended that the agenda be amended to include the review of several other sign types. Mrs. Richardson motioned, seconded by Mr. Daisey, to amend the agenda item number one to include *Directional Signs, Window Signs and Lighting* under item I and to add item K. *Pennants and Balloons*. The motion was unanimously approved.

Mrs. Richardson motioned, seconded by Mr. Behr, to waive the rules to allow public participation. The motion was unanimously approved.

2. PUBLIC PARTICIPATION

Mr. Jim Frese thanked the Commission for allowing public participation at the work session. He commented that signs are getting more restrictive all the time and to restrict people from having a reasonable sign is unfair and infringes upon someone's first amendment right.

Angie Abell, a local realtor, wanted clarification as to what distance real estate signs should be from a structure and if the distance is too far could a directional sign be used. Also questioned how many signs can be placed on a property if there are several units such as townhouses. Mrs. Abell also suggested doing away with rental signs or maybe doing something else to improve them.

Mrs. Nancy Conklin addressed the use of directional signs. She stated that this issue has been going for many years and she would like to see something done about them.

Mr. Donald Thornton expressed concern about the signs being two feet from a structure. His home is a good distance from the road and a sign at that distance would not be seen from the roadway. He also stated that the commission should take into consideration directional signs being placed on street signs.

Mr. Gene Wayne Taylor questioned the placement of a sign on a vacant lot should the ordinance be changed.

Mrs. Linda Budd, a local realtor, questioned the use of open house signs. Mr. Lewis stated it would fall under *Commercial special event signs*. However, since the property may be in a residential district it would be an issue to think about.

3. Sign Ordinance Review

A. Sec. 7.3.13 Temporary Real Estate Signs - Mr. Behr made a motion to approve the ordinance as written. There was no second motion. Mr. Derrickson motioned, seconded by Mr. Daisey to review the real estate and vacation rental sign sections at the next meeting.

B. Sec. 7.7. through Sec. 7.7.5. Nonconforming Signs – Mr. Daisey motioned, seconded by Mrs. Richardson to approve Sec. 7.7 through 7.7.5 as written. The motion was unanimously approved.

C. Sec. 7.11.1. Determination of Sign Area – Mr. Derrickson motioned, seconded by Mr. Daisey, to approve Sec. 7.11.1 as written. The motion was unanimously approved.

D. Sec. 7.11.2. Determination of Sign Height – Mr. Behr motioned, seconded by Mr. Daisey to approve Sec. 7.11.2. as written. The motion was unanimously approved.

E. Sec. 7.12.5. Theaters – Mrs. Richardson motioned, seconded by Mr. Daisey, to approve Sec. 7.12.5. as written. The motion was unanimously approved.

F. Sec. 7.12.2. Gasoline Stations – Mr. Daisey motioned, seconded by Mrs. Richardson to include convenience stores that dispense fuel in Sec.7.12.2. The motion was unanimously approved.

G. Sec. 7.12.3. Office and/or Industrial Centers – Mr. Daisey motioned, seconded by Mr. Derrickson, to make this an agenda item for discussion at the next meeting.

H. Sec. 7.12.4. Directory Signs – Mrs. Richardson motioned, seconded by Mr. Behr, to approve Sec. 7.12.4 as written. The motion was unanimously approved.

J. Sec. 7.11.3. Spacing of Freestanding Signs – Mr. Behr motioned, seconded by Mr. Daisey, to table this until the next meeting.

Mrs. Richardson motioned, seconded by Mr. Daisey, to make directional signs and scrolling signs number one on the agenda for the next meeting on August 22, 2006.

Mr. Daisey motioned, seconded by Mr. Derrickson, to discuss balloons, pennants etc. at the next work session. The motion was unanimously approved.

4. ADJOURNMENT

Mrs. Richardson motioned, seconded by Mr. Behr to adjourn the meeting.

Ray Rosenberger, Chairman

3. Proposed Fence ordinance changes; Public hearing

Add new Sections to R-3 District; 3.7.16 (4), Commercial C-1 District; 4.1.27 (4) and Commercial District C-2; 4.4.39 (4)

Construction containment fences are permitted provided that such fence does not exceed 6' in height and remain 30% open when viewed perpendicular to the fence line. Such fence shall not be placed closer than 15' from the front lot line or interfere with the visibility site triangle if adjoining a public or private right-of-way.

Such containment fence must be removed upon the issuance of the certificate of occupancy or determined by the Zoning Administrator if more than four units.

4 Review of Sunset Bay Site Plan Amendment

5 Corner Lots; side yard setback

- A) 3.6.5
- B) 3.9.5
- C) 4.3.5
- D) 4.6.5

Sections 3.6.5, 3.9.5, 4.3.5, and 4.6.5 – Corner Lots, item (2) rewording as:

The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures.

6. Amendment to 2.96; Main use definition

A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable County, State, and Federal regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.

A gazebo-type structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure.

7. Conditional Use

Section 3.2

Such other temporary or permanent use of land, buildings, or structures as may be permitted by right or expressly enumerated special exception in any other (residential) district, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.

Section 3.5.2

Such other temporary or permanent use of land, buildings, or structures as may be permitted by right or expressly enumerated special exception in any other (residential) district, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

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Section 3.8.10

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Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.

Section 3.11.5

Such other temporary or permanent use of land, buildings, or structures as may be permitted by right or expressly enumerated special exception in any other district, subject to the other

applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.

Section 4.2.3

Such other temporary or permanent use of land, buildings, or structures as may be permitted by right or expressly enumerated special exception in any other (commercial) district, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

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Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.

8. By-Laws review

Proposed By-Laws Chincoteague Planning Commission September 28, 2004

ARTICLE 1 – OBJECTIVES

- 1-1. This Commission, established in conformance with the resolution adopted by the Chincoteague Town Council _____, 2004, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2 of the Code of Virginia.
- 1-2. The official title of this Commission shall be “The Chincoteague Planning Commission”.

ARTICLE 2 – MEMBERS

- 2-1. Said commission shall consist of seven (7) members, one of whom shall be a member of the Town Council, and the remaining six (6) hereafter referred to as appointed members. Such members shall be residents of the locality and be a minimum of 50% owner of real property.
- 2-2. The term of the council person shall in all cases correspond to their tenure of office. Of the other members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years, and one (1) shall be appointed for a term of four (4) years, from and after the effective date of this resolution. Their successors shall be appointed for terms of four (4) years. Any vacancy in membership shall be filled by an appointment by the Council and such appointment, in the case of an appointed member, shall be for the unexpired term. Any appointed member may be removed by the Council for inefficiency, neglect of duty or malfeasance in office, provided that such removal may be made only after a public hearing at which said member is given an opportunity to appear and be heard on the charges against him.
- 2-3. The term of a Commission member shall expire on December 31 at which meeting his successor's term of office shall begin.

ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1. The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson and a Secretary.
- 3-2. Nomination of officers shall be made from the floor at the regular September meeting each year. Election of officers shall follow immediately.
- 3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. Such candidate shall take office immediately and serve for one (1) year or until his/her successor shall take office.
- 3-4. Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE 4 – DUTIES OF OFFICERS

- 4-1 The Chairperson shall be a member of the Commission and shall:
 - 4-1-2 Preside at all meetings.
 - 4-1-3 Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the members present.)
 - 4-1-4. Be informed immediately of any official communication and report same at the

next regular meeting.

4-1-5. Carry out other duties as assigned by the Commission.

4-2. The Vice-Chairperson shall be a member of the Commission and shall:

4-2-1. Act in the absence or inability of the Chairperson to act.

4-2-2. Have power to function in the same capacity as the Chairperson in cases of the Chairperson's inability to act.

4-3. The Secretary shall:

4-3-1. Keep a written record of all business transacted by the Commission.

4-3-2. Notify all members of all meetings.

4-3-3. Keep a file of all official records and reports of the Commission.

4-3-4. Certify all maps, records, and reports of the Commission.

4-3-5. Give notice of all hearings and public meetings.

4-3-6. Attend to the correspondence of the Commission.

4-3-7. Prepare and be responsible for the publishing of advertisements relating to public hearings.

ARTICLE 5 – DUTIES OF OFFICERS

5-1 At such times that the complexity of duties facing the Commission shall require the advice of standing committees, the following shall be appointed by the Chairperson to serve as needed:

5-1-1. A Comprehensive Plan Committee. It shall coordinate the work of the other committees as it progresses and relate it to the overall program and keep the comprehensive plan developing in a realistic and reasonable manner.

5-1-2. A Land Use Committee. It shall initially determine, and then continue to maintain an inventory of land uses. This committee shall also be responsible for the preparation of land use maps.

5-1-3. A Subdivision Committee. This committee should draft subdivision regulations and any subsequent amendments. They shall examine all applications for major subdivisions, receive the reviews of the staff pertaining to them, and make recommendations to the Commission.

- 5-1-4. A Zoning Committee. This committee should draft zoning ordinances and/or any subsequent amendments. They shall review all applications for rezoning or special use permits. When authorized by law, they shall hold public hearings, receive the views of the staff pertaining to the issue, and make recommendations to the Commission.
- 5-1-5. A Street, Traffic and Parking Committee. They shall study the location, relocation, opening, closing or widening of streets, alleys, right-of-ways and limited access thoroughfares as well as control and expediting of traffic and provision for adequate parking. This committee shall initiate pertinent action and make recommendations to the Commission. Public and private hearings may also be conducted.
- 5-1-6. A Capital Improvements Committee. They shall study the economics of capital improvements as it relates to the use of land to be made by the Town. This may be done independently or in conjunction with affected governmental agencies. Such study shall include need, priority of need, cost financing, joint use and participation, location, and relative status either within or without the views of the staff relative to the issues and make any recommendation deemed pertinent to the Commission are further duties of the committee.
- 5-2. Special committees may be appointed by the Chairperson for purposes and terms approved by the Commission.
- 5-3. The Chairperson shall be an ex officio member of every committee.

ARTICLE 6 – MEETINGS

- 6-1. Regular meetings of the Commission shall be held on the fourth Tuesday of each month at 7:00 p.m. excluding the months of July and December. When a meeting falls on a legal holiday, the meeting shall be on the day following unless otherwise designated by the Commission. Such meetings must be held in a public building.
- 6-2. Special meetings shall be called at the request of the Chairperson or at the request of a quorum of the membership.
- 6-3. All regular meetings, hearings, records, and accounts shall be open to the public.
- 6-4. A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the entire membership. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

ARTICLE 7 – ORDER OF BUSINESS

- 7-1. The order of business for a regular meeting shall be:
 - 7-1-1. Call to order by Chairperson.
 - 7-1-2. Roll call.

- 7-1-3. Determination of a quorum.
- 7-1-4. Pledge of allegiance.
- 7-1-5. Reading of the minutes.
- 7-1-6. Review of agenda.
- 7-1-7. Old business.
- 7-1-8. New business.
- 7-1-9. Adjournment.
- 7-2. Parliamentary procedure in Commission meetings shall be governed by Roberts's Rules of Order, Revised.
- 7-3. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

The Chairperson shall sign all minutes, and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

ARTICLE 8 – HEARINGS

- 8-1. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.
- 8-2. Notice of special hearings shall be published once a week for two successive weeks in a newspaper of general circulation in the area not less than five (5), nor more than twenty-one (21) days before the time of public hearing.
- 8-3. The case before the Commission shall be summarized by the Chairperson or other member delegated by the Chairperson. Interested parties shall have the privilege of the floor. Records or statements shall be recorded or sworn to as evidence for any court of law, only after notice is given to the interested parties.
- 8-4. A record shall be kept of those speaking before the hearing.

ARTICLE 9 – CORRESPONDENCE

- 9-1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.
- 9-2. All official papers and plans involving the authority of the Commission shall bear the signature of the Chairperson and Vice-Chairperson.

ARTICLE 10 – AMENDMENTS

- 10-1. These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership of the Commission subject to approval from the Town Council after thirty (30) days notice.

9. Review of sign ordinance
10. Election of Officers

ADJOURN: